

Board of Ethics Complaint Procedure

- Introduction:** In addition to the procedures set forth in the Mansfield Code of Ethics and the rules and regulations of the Board of Ethics the following will be applicable:
- A. The procedures of the Mansfield Board of Ethics (herein after referred to as the Board) will be governed by the relevant state law, (Sections 7-148 (10) (B) (h) and 7-479 of the Connecticut General Statutes, *Chapter 25* of the Mansfield Code and Robert's Rules of Order.
 - B. The Board of Ethics will honor all requests for confidentiality, consistent with the requirements of the State of Connecticut Freedom of Information Laws *and Sections 1-82 (a) to (3), CGS.*
- Complainant:** The public may initiate a complaint of an alleged violation of the Code of Ethics to the Board or the Board may itself initiate a complaint.
- Requirements For Submitting A Complaint:** The complaint must be submitted to the Board of Ethics in **writing and signed under oath** by the individual making the complaint before (1) a judge of a court of record; (2) a clerk of deputy clerk of the court having a seal; (3) a town clerk or assistant town clerk; (4) a notary public; (5) a justice of the peace; or (6) an attorney admitted to the Connecticut Bar.
- The complaint must identify the employee or official against whom it is addressed and must recite facts which proven, suggest a violation of the Mansfield Code of Ethics. Incomplete complaints will be returned for additional information.
- If an individual makes a false statement, he or she will be subject to fines of up to two thousand dollars and penalties of up to one year imprisonment under the provisions of Section 53a-157b of the Connecticut General Statutes.
- Submission of Complaint:** The complaint completed as indicated above, will be submitted in a sealed envelope to the Town Manager's Office. The mailing address of the Board of Ethics will be: Chairperson, Board of Ethics c/o Town Manager's Office, 4 South Eagleville Road, Mansfield, CT, 06268. The Town Manager's Office will forward the complaint, *with seal intact*, to the Chairperson of the Board of Ethics. The Chairperson or the Secretary of the Board will notify the complainant that it has been received by the Board of Ethics.

- Investigation:** Upon receiving a complaint of an alleged violation of the Code of Ethics, the Chairperson or Secretary will notify in writing the person about whom the complaint has been filed, advising the respondent of the specific nature of the complaint being investigated by the Board, and enclosing a copy of the complaint. The Chairperson will convene a meeting of the Board.
- The Board will make an initial *investigation* of the complaint. The Board may conduct interviews or discussions with the complainant, respondent, town personnel or members of other public or private agencies, to determine if there is a potential violation of the Code of Ethics.
- An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received by the Board shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, Board or staff member.
- No Probable Cause:** The Board may dismiss the complaint if it finds there is no probable cause. Not later than three business days after the termination of the investigation, the Board shall inform the complainant and the respondent of its findings and provide them a summary of its reasons for making that finding. The Board shall publish its findings **upon the respondent's request** and may also publish a summary of its reasons for making the finding.
- If the Board makes a finding of no probable cause, the complaint alleging a violation of the Code shall be confidential except upon the request of the respondent. No complainant, respondent, witness, designated party, or Board or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of the complaint. If such disclosure is made, the Board may, after consultation with the respondent if the respondent is not the source of the disclosure, publish its findings and a summary of its reasons therefore.
- Probable Cause Hearing:** If the Board finds probable cause for the complaint it shall conduct a hearing. Either party may be represented by Counsel, to confront all witnesses, to cross examine and to present evidence. All parties will be sworn by the Chairperson. Such hearings will be closed to the public unless the respondent requests otherwise. No hearing will be conducted with less than four (4) members of the Board present. The hearing will be recorded and a written transcript may be made.
- The Board of Ethics has the power to issue subpoenas to compel the attendance of persons at hearings and the production of books, documents, records and papers.

Notice of Hearings:

If a hearing is to be convened, the Chairperson of the Board will notify the respective parties of the date, time and location. All notices required under these policies and procedures will be sent by registered or certified mail, return receipt requested.

Decisions:

In any event, the Board will render a decision within forty-five (45) business days of the receipt of the complaint. If warranted, this period may be extended by the Board due to an absence of a quorum or lack of relevant evidence. Notice of extension will be provided to both parties.

The Board shall make public a finding of probable cause no later than five business days after the termination of the hearing. At such time the entire record of the investigation and hearing shall become public.

Conclusion:

If the Board determines that the respondent has, in fact, violated the provisions of the Code, it shall file a memorandum of decision which may include a recommendation for action, with the Town Council or other appropriate body.

The Town Council, Board of Education, Town Manager or Superintendent of Schools may meet with the Board to consider the findings. The Town Council, Board of Education, Town Manager or Superintendent will then determine what disposition will be made.

Records:

All confidential records of the Board of Ethics will be kept in the Town Manager's Office and not be subject to public disclosure. All opinions, findings and recommendations of the Board of Ethics, will be kept on file in the office of the Town Clerk and be subject to public disclosure. Records will be kept in accordance with the State of Connecticut record retention schedule.

Appeals:

A decision of the Board of Ethics may be appealed in the manner allowed by the Connecticut General Statutes.